

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UNITED STATES PATENT APPLICATION**

As a below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated near my name below.

We believe we are the **original and first inventors** of the subject matter of which is claimed and for which a patent is sought on the invention entitled:

SURGERY SYSTEM

which is described and claimed in the specification of which:

___ is executed on even date herewith; attorney docket number

___ was filed on _____ as United States Application Serial No. _____,
attorney docket number 62,210-045.

We declare that this application is:

X a first filing.

___ a continuation.

___ a continuation-in-part.

___ a divisional.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We do not know and do not believe my invention was known or used by others in the United States of America, or patented or described in a printed publication in any country before our invention thereof.

We do not know and do not believe our invention was patented or described in a printed publication in any country or in public use or on sale in the United States of America, more than one year prior to this application.

We acknowledge our duty to disclose information of which we are aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

09764609-011701

We hereby claim that no application for patent or inventor's certificate on this invention has been filed in any foreign country or in the United States of America prior to this application by us or our legal representatives or assigns except as follows:

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of the foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

X no such applications have been filed.

 such applications have been filed as follows:

COUNTRY	APPLICATION NUMBER	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 37 USC 119
			Yes_ No_

We hereby claim priority to and all the benefits under Title 35, United States Code, §119(e) of any United States provisional application(s).

 no such applications have been filed.

X such applications have been filed as follows:

APPLICATION NUMBER	DATE OF FILING (month, day, year)
US Prv 60/178,377	Filed 1-27-00

We hereby claim priority to and all the benefits under Title 35, United States Code, §120 of any United States application(s) listed below. If the above identified application is a continuation-in-part application, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this continuation-in-part application in accordance with Title 37, Code of Federal Regulations, Section 1.63(e).

X no such applications have been filed.

 such applications have been filed as follows:

APPLICATION NUMBER	DATE OF FILING (month, day, year)	STATUS (patented, pending, abandoned)
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POWER OF ATTORNEY

As a the named inventors we hereby appoint the following attorneys and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith with full power of substitution and revocation. (all names listed with corresponding registration numbers)

<u>Attorney Name</u>	<u>Reg. No.</u>	<u>Attorney Name</u>	<u>Reg. No.</u>
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Samuel J. Haidle	42,619	Randall L. Shoemaker	43,118
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Kevin S. MacKenzie	45,639	James R. Yee	34,460
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DECLARATION

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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09764609-01701

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